

LAW AND PUBLIC SAFETY

35 N.J.R. 10, Oct. 6, 2003

DIVISION OF CRIMINAL JUSTICE

Safe and Secure Communities Program

Proposed Readoption: N.J.A.C. 13:79

Authorized By: Peter C. Harvey, Attorney General,

Authority: N.J.S.A. 52:17B-101 and 168, and

Executive Order No. 9 (Hughes)

Calendar Reference: See Summary below for an explanation of the  
exception to the calendar requirement.

Proposal Number PRN 2003-397

Interested persons may submit written comments relevant to  
the proposal on or before 5:00 P.M., December 5, 2003. Comments  
and any inquiries about submissions or responses should be  
submitted in writing to:

Program Development Section

Safe and Secure Communities Program, Public Comments

Division of Criminal Justice

PO Box 085

Trenton, New Jersey 08625-0085

Written comments and any inquiries can also be submitted via  
facsimile to: Fax number: 609-292-1451

Date: Aug. 26, 2003

The agency proposal follows:

Summary

Pursuant to the provisions of N.J.S.A. 52:14B-5.1, which replaced Executive Order No. 66 (Byrne), the Division of Criminal Justice ("the Division") proposes the readoption, without amendments, of the Safe and Secure Communities Program administrative rules, N.J.A.C. 13:79. Pursuant to N.J.S.A. 52:14B-5.1c, the current rules expire on March 24, 2004.

These rules set forth the guidelines followed by the Division in its administration of the Safe and Secure Communities Program (hereafter "the Program"), and the procedures to be followed by applicant agencies in applying for grant funds. The Safe and Secure Communities Act, P.L. 1993, c. 220, N.J.S.A. 52:17B-15a et seq., provided that, only municipalities that during the first two years of the program applied for and were notified they were eligible for initial grants, could continue to apply for funds. These rules provide the procedure by which those 187 eligible municipalities can apply for and receive

grants. Grants awarded under this Program can only be used to fund law enforcement personnel.

The Safe and Secure Communities Act, P.L.1993, c.220, N.J.S.A. 52:17B-159 et seq. (hereafter "the Act") was enacted on August 2, 1993. The program established by the Act is intended to: hire additional municipal police officers and other law enforcement personnel; create a further funding source by imposing additional penalties on lawbreakers; and allocate these officers in a community-oriented manner.

The Attorney General now proposes to readopt the existing rules, without amendments. As the Division has provided a 60-day comment period for this readoption proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

N.J.A.C. 13:79 is summarized as follows:

N.J.A.C. 13:79-1 is the subchapter outlining the purpose, scope and definitions of the rules.

N.J.A.C. 13:79-1.1 sets forth the purpose of the rules.

N.J.A.C. 13:79-1.2 sets forth the scope of the rules.

N.J.A.C. 13:79-1.3 defines the terms employed in this chapter.

N.J.A.C. 13:79-2 is the subchapter setting forth the objectives of the Safe and Secure Communities Program; the funding uses and limitations; the notification, application process and award of funds; and that the application and

supporting documentation are confidential and are not public records.

N.J.A.C. 13:79-2.1 sets forth the objectives of the program.

N.J.A.C. 13:79-2.2 describes the fund's use and limitations.

N.J.A.C. 13:79-2.3 outlines the notification and award of funds process.

N.J.A.C. 13:79-2.4 sets forth the application deadline.

N.J.A.C. 13:79-2.5 provides that the application and supporting documents are confidential and are not public records and shall not be released except to the municipality or to governmental representatives in connection with their official duties.

N.J.A.C. 13:79-3 is the subchapter describing law enforcement personnel grants; setting forth the eligibility criteria and process requirements for municipalities to receive grants; and outlining the procedure for reconsideration of denied applications.

N.J.A.C. 13:79-3.1 describes the application process for a personnel grant.

N.J.A.C. 13:79-3.2 states that no new initial grants shall be awarded.

N.J.A.C. 13:79-3.3 describes the process by which successive project grants submitted by eligible municipalities are selected for award and the contracting procedure, as well as the notification method utilized by the Division to advise

municipalities whose projects are found to be not eligible for continued funding.

N.J.A.C. 13:79-3.4 states that no appeals from the Division's determination are allowed.

N.J.A.C. 13:79-4 is the subchapter outlining the accountability requirements for a municipality that is awarded a grant, including programmatic and fiscal reporting standards.

N.J.A.C. 13:79-4.1 describes what certifications that applicant municipalities must submit in applying for a grant under this program.

N.J.A.C. 13:79-4.2 outlines the contract prerequisites an eligible municipality must comply with in order to receive a grant.

N.J.A.C. 13:79-4.3 sets forth the reporting procedure which municipal grantees must follow in order to comply with the program's requirements.

N.J.A.C. 13:79-5 is the subchapter setting forth the responsibility of the Division to provide technical and operational assistance to grantees.

N.J.A.C. 13:79-5.1 provides that the Division is available to furnish technical and operational assistance to grantees.

### Social Impact

The rules proposed for readoption with amendments will continue to implement the Safe and Secure Communities Act, which

funds the employment of municipal police officers and other law enforcement personnel. Those municipalities which qualify for grants, benefit from them by better enabling communities to combat crime and improve the quality of life. Therefore, these rules have a positive impact upon those municipalities and their citizens.

#### Economic Impact

The Safe and Secure Communities Act, P.L. 1993, c.220, N.J.S.A. 52:17B-159 et seq. (hereafter "the Act") created in the Department of the Treasury, a nonlapsing fund, entitled the "Safe Neighborhoods Services Fund," to provide monies for the law enforcement personnel grants. In order to establish a continual source of funding for the Program, the Act imposed additional penalties on persons convicted of crimes, disorderly persons offenses, and drunk driving violations. The fund is supplemented by State appropriation as needed.

As a condition of receiving a grant for the payment of the salaries of police officers and/or other law enforcement personnel, a municipality is required to pay the fringe benefits for those persons hired. Those fringe benefits are considered the local cash match. A participating municipality must further agree not to reduce its regular complement of police officers and other law enforcement personnel during the grant period below its

baseline level plus the number of personnel funded by this grant. The Act provides for an annual allocation up to \$375,000 of the fund to the Division of Criminal Justice to provide technical and operational assistance to grant recipients.

These rules have not had any adverse economic impact on the public because the enabling legislation provides that the substantial portion of monies from the fund shall come from the imposition of a fee, in addition to fines and penalties, on persons convicted of crimes, disorderly persons offenses, and drunk driving.

#### Federal Standards Statement

A Federal standards analysis is not required because the rules proposed for readoption were not issued: (1) under the authority of any Federal law or State statute that incorporates or refers to Federal law, Federal standards or Federal requirements; or (2) to implement, comply with, or participate in any program established under Federal law or under a State statute that incorporates or refers to Federal law, Federal standards or Federal requirements.

#### Jobs Impact

The Division of Criminal Justice anticipates that the rules proposed for readoption will not result in the creation of new jobs or cause the loss of existing jobs.

Agriculture Industry Impact

The rules proposed for readoption will not have any impact on the agriculture industry in New Jersey or elsewhere.



### Regulatory Flexibility Statement

A regulatory flexibility analysis is not required because the rules proposed for readoption do not impose reporting, record keeping, or other compliance requirements on small businesses, as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption apply only to those municipalities and their law enforcement agencies applying for and receiving funds under these rules. The rules do not impact small businesses.

### Smart Growth Impact

The rules proposed for readoption will not have an impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the proposed readoption may be found in the New Jersey administrative Code at N.J.A.C. 13:79.